



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 33] नई दिल्ली, शुक्रवार, दिसम्बर 11, 2009/ अग्रहायण 20, 1931
No. 33] NEW DELHI, FRIDAY, DECEMBER 11, 2009 / AGRAHAYANA 20, 1931

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 11th December, 2009:—

BILL No. 118 OF 2009

A Bill further to amend the Competition Act, 2002.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Competition (Amendment) Act, 2009.
- (2) It shall be deemed to have come into force on the 14th day of October, 2009.
2. In section 66 of the Competition Act, 2002,—
 - (a) in sub-section (1), the proviso and the *Explanation* thereto shall be omitted;
 - (b) in sub-section (3),—
 - (i) for the words, brackets and figure “after the expiry of two years referred to in the proviso to sub-section (1)”, the words, brackets and figures “on the commencement of the Competition (Amendment) Act, 2009” shall be substituted;
 - (ii) the following *Explanation* shall be inserted, namely:—

Short title and
commencement.

Amendment of
section 66 of
Act 12 of
2003.

“*Explanation.*— For the removal of doubts, it is hereby declared that all cases referred to in this sub-section, sub-section (4) and sub-section (5) shall be deemed to include all applications made for the

losses or damages under section 12B of the Monopolies and Restrictive Trade Practices Act, 1969 as it stood before its repeal;

54 of 1969.

(c) in sub-section (4),—

(i) for the words, brackets and figure “on or before the expiry of two years referred to in the proviso to sub-section (1)”, the words, brackets and figures “immediately before the commencement of the Competition (Amendment) Act, 2009, shall, on such commencement” shall be substituted;

(ii) after the proviso, the following proviso shall be inserted, namely:—

“Provided further that all the cases relating to the unfair trade practices pending, before the National Commission under this sub-section, on or before the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President, shall, on and from that date, stand transferred to the Appellate Tribunal and be adjudicated by the Appellate Tribunal in accordance with the provisions of the repealed Act as if that Act had not been repealed.”;

(d) in sub-section (5), for the words, brackets and figure “after the expiry of two years referred to in the proviso to sub-section (1)”, the words, brackets and figures “on the commencement of the Competition (Amendment) Act, 2009” shall be substituted;

(e) in sub-section (7), the following proviso shall be inserted, namely:—

“Provided that all investigations or proceedings, relating to unfair trade practices pending before the National Commission, on or before the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President shall, on and from that date, stand transferred to the Appellate Tribunal and the Appellate Tribunal may conduct or order for conduct of such investigation or proceedings in the manner as it deems fit.”.

Repeal and savings.

3. (1) The Competition (Amendment) Ordinance, 2009 is hereby repealed.

Ord. 6 of 2009.

(2) Notwithstanding such repeal, anything done or any action taken under the Competition Act, 2002, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Act as amended by this Act.

12 of 2003.

STATEMENT OF OBJECTS AND REASONS

The Competition Act, 2002 was enacted in 2002 keeping in view the economic developments that resulted in opening up of the Indian economy, removal of controls and consequent economic liberalisation which required that the Indian economy be enabled to allow competition in the market from within the country and outside. It was subsequently amended in 2007. The Competition Act, 2002, *inter alia*, provides for the following, namely:—

(A) establishment of the Competition Commission of India, which shall be an expert body and would function as a market regulator for preventing and regulating anti-competitive practices in the country in accordance with the provisions of the Act and it would also have advisory and advocacy functions in its role as a regulator which can also impose a penalty in certain cases specified in the Act;

(B) establishment of the Competition Appellate Tribunal, which shall be a three member quasi-judicial body headed by a person who is or has been a Judge of the Supreme Court or the Chief Justice of a High Court to hear and dispose of appeals against any direction issued or decision made or order passed by the Competition Commission and to adjudicate claims on compensation and for passing of orders for the recovery of compensation from any enterprise for any loss or damage suffered as a result of any contravention of the provisions of the Act.

2. Sub-section (1) of section 66 of the Act provides for repeal of the Monopolies and Restrictive Trade Practices Act, 1969 (MRTP Act) and dissolution of the Monopolies and Restrictive Trade Practices Commission (MRTPC) established thereunder. However, the MRTPC was allowed to continue under the said sub-section to exercise jurisdiction and powers under the repealed Act for a period of two years from the date of the commencement of this Act in respect of all cases or proceedings filed before the commencement of this Act.

3. Sub-section (3) of section 66 of the Act, *inter alia*, provides that all cases pertaining to monopolistic trade practices or restrictive trade practices and sub-section (5) of section 66 of the Act provides that all cases pertaining to unfair trade practices referred to in clause (x) of sub-section (1) of section 36A of the MRTP Act, pending before the MRTPC shall, after the expiry of two years referred to in sub-section (1) of section 66 stand transferred to the Appellate Tribunal, and, be adjudicated by the Appellate Tribunal in accordance with the provisions of the repealed Act.

4. Sub-section (4) of section 66 of the Act, *inter alia*, provides that all cases pertaining to unfair trade practices other than those referred to in clause (x) of sub-section (1) of section 36A of the MRTP Act before the MRTPC shall, on or before the expiry of two years stand transferred to the National Commission constituted under the Consumer Protection Act, 1986 and the National Commission shall dispose of such cases as if they were cases filed under that Act.

5. Section 66 of the Act was brought in force on the 1st September, 2009. The post of Chairperson of the MRTPC was vacant on the said date and there were only two Members in the said Commission out of five Members. Both Members in the said Commission demitted their office on the day of the 14th September, 2009 and on the day of the 1st October, 2009 respectively on completion of their tenure. Efforts were made to fill up the posts but were of no avail. The MRTPC became non-functional and a gap was created for the disposal of the cases pending with the Commission. On the other hand, the Competition Appellate Tribunal established under the Competition Act, 2002 was not having adequate workload.

6. As both the Houses of Parliament were not in session and the President was satisfied that the circumstances existed which rendered it necessary for her to take immediate action, the Competition (Amendment) Ordinance, 2009 was promulgated on the 14th October, 2009 so as to transfer immediately the cases pending with the Monopolies and Restrictive Trade Practices Commission to the Competition Appellate Tribunal and National Commission from the date of issue of the Ordinance.

7. Since the National Commission expressed its inability to accept the transfer of cases and also the investigations or proceedings as many of the cases were not covered by the definition of 'consumer' under the Consumer Protection Act, 1986 and due to lack of investigating machinery with them, certain further amendments are proposed to section 66 of the Act which, *inter alia*, contains that—

(i) all the cases relating to unfair trade practices pending before the National Commission on or before the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President, shall, on and from that date, stand transferred to the Appellate Tribunal and be adjudicated by the Appellate Tribunal in accordance with the provisions of the repealed Act as if that Act had not been repealed;

(ii) all investigations or proceedings, relating to unfair trade practices pending before the National Commission, on or before the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President shall, on and from that date, stand transferred to the Appellate Tribunal and the Appellate Tribunal may conduct or order for conduct of such investigation in the manner as it deems fit.

8. The Bill seeks to replace the aforesaid Ordinance with the above amendments.

NEW DELHI;
The 4th December, 2009.

SALMAN KHURSHID

*Memorandum explaining the modifications contained in the Bill to replace the
Competition (Amendment) Ordinance, 2009*

The Competition (Amendment) Bill, 2009 which seeks to repeal and replace the Competition (Amendment) Ordinance, 2009 proposes to make the following modifications apart from modifications of consequential or drafting nature in the provisions contained in the said Ordinance, namely:—

(i) it is proposed to insert an *Explanation* to sub-section (3) of section 66 of the Competition Act, 2002 so as to clarify that the expression “all cases” referred to in sub-sections (3), (4) and (5) shall be deemed to include all applications made for the losses or damages under section 12B of the Monopolies and Restrictive Trade Practices Act, 1969 as it stood before its repeal;

(ii) it is proposed to insert a second proviso to sub-section (4) of section 66 of the Act to the effect that all the cases relating to the unfair trade practices pending, before the National Commission under this sub-section, on or before the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President, shall, on and from that date, stand transferred to the Appellate Tribunal and be adjudicated by the Appellate Tribunal in accordance with the provisions of the repealed Act as if that Act had not been repealed;

(iii) it is also proposed to insert a proviso to sub-section (7) of section 66 of the Act to the effect that all investigations or proceedings, relating to unfair trade practices pending before the National Commission, on or before the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President shall, on and from that date, stand transferred to the Appellate Tribunal and the Appellate Tribunal may conduct or order for conduct of such investigation or proceedings in the manner as it deems fit.

These two provisos shall come into force on and from the date on which the Competition (Amendment) Bill, 2009 receives the assent of the President.

BILL NO. 131 OF 2009

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2009-10.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Appropriation (No. 4) Act, 2009.

Issue of Rs.
30942.62,00,000
out of the
Consolidated
Fund of India
for the
financial year
2009-10.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of thirty thousand nine hundred forty-two crores and sixty-two lakh rupees towards defraying the several charges which will come in course of payment during the financial year 2009-10, in respect of the services specified in column 2 of the Schedule.

Appropriation

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE
(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Department of Agriculture and Cooperation	Revenue 14,23,00,000		14,23,00,000
2	Department of Agricultural Research and Education	Revenue 19,96,00,000		19,96,00,000
4	Atomic Energy	Revenue 422,48,00,000		422,48,00,000
		Capital 199,83,00,000		199,83,00,000
5	Nuclear Power Schemes	Revenue 55,67,00,000		55,67,00,000
		Capital 302,28,00,000		302,28,00,000
6	Department of Chemicals and Petrochemicals	Revenue 166,07,00,000		166,07,00,000
7	Department of Fertilisers	Revenue 3000,00,00,000		3000,00,00,000
9	Ministry of Civil Aviation	Revenue 281,00,00,000		281,00,00,000
		Capital 800,00,00,000		800,00,00,000
11	Department of Commerce	Revenue 160,58,00,000	2,05,00,000	162,63,00,000
12	Department of Industrial Policy and Promotion	Revenue 1,00,000		1,00,000
13	Department of Posts	Revenue	4,03,00,000	4,03,00,000
		Capital	10,00,000	10,00,000
14	Department of Telecommunications	Revenue 249,24,00,000		249,24,00,000
		Capital 171,75,00,000		171,75,00,000
17	Department of Food and Public Distribution	Revenue 3660,82,00,000		3660,82,00,000
		Capital 150,00,00,000		150,00,00,000
18	Ministry of Corporate Affairs	Revenue 9,43,00,000		9,43,00,000
		Capital 1,00,00,000		1,00,00,000
19	Ministry of Culture	Revenue 2,00,000		2,00,000
		Capital 9,00,00,000		9,00,00,000
20	Ministry of Defence	Revenue 29,81,00,000		29,81,00,000
		Capital 1,00,000	40,00,000	41,00,000
21	Defence Pensions	Revenue 2210,00,00,000		2210,00,00,000
23	Defence Services—Navy	Revenue	2,50,00,000	2,50,00,000
24	Defence Services—Air Force	Revenue	1,45,00,000	1,45,00,000
28	Ministry of Development of North Eastern Region	Revenue 1,00,000		1,00,000
29	Ministry of Earth Sciences	Revenue 4,00,000		4,00,000
		Capital 1,00,000		1,00,000
30	Ministry of Environment and Forests	Revenue 5,00,000		5,00,000
		Capital 1,00,000		1,00,000
31	Ministry of External Affairs	Capital 297,50,00,000		297,50,00,000
32	Department of Economic Affairs	Revenue 1,00,000		1,00,000
33	Department of Financial Services	Revenue 400,02,00,000		400,02,00,000
		Capital 1266,00,00,000		1266,00,00,000
35	Transfers to State and Union territory Governments	Revenue 1200,02,00,000		1200,02,00,000
		Capital	1400,00,00,000	1400,00,00,000
38	Department of Expenditure	Revenue 3,94,00,000		3,94,00,000
39	Pensions	Revenue 4533,33,00,000		4533,33,00,000
41	Department of Revenue	Revenue 1,00,000		1,00,000
44	Department of Disinvestment	Capital 3139,90,00,000		3139,90,00,000
46	Department of Health and Family Welfare	Revenue 3,00,000		3,00,000
49	Department of Heavy Industry	Revenue 1,00,000		1,00,000
		Capital 1,00,000		1,00,000
51	Ministry of Home Affairs	Revenue 195,83,00,000	39,00,000	196,22,00,000
53	Police	Revenue 2,00,000		2,00,000
		Capital 2,00,000	70,00,000	72,00,000
54	Other Expenditure of the Ministry of Home Affairs	Revenue 7,92,00,000		7,92,00,000
		Capital 48,00,00,000		48,00,00,000
55	Transfers to Union territory Governments	Revenue 105,68,00,000		105,68,00,000
57	Department of School Education and Literacy	Revenue 1,00,000		1,00,000
58	Department of Higher Education	Revenue 87,12,00,000		87,12,00,000
		Capital 100,00,00,000		100,00,00,000
59	Ministry of Information and Broadcasting	Revenue 1,00,000		1,00,000
60	Ministry of Labour and Employment	Revenue 1,00,000		1,00,000
61	Election Commission	Revenue 5,59,00,000		5,59,00,000

1 No. of Vote	2 Services and purposes	3		
		Voted by Parliament	Sums not exceeding Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
62	Law and Justice Revenue	1,00,000		1,00,000
	CHARGED.— <i>Supreme Court of India</i> Revenue		10,81,00,000	10,81,00,000
64	Ministry of Micro, Small and Medium Enterprises .. Revenue	2,00,000		2,00,000
65	Ministry of Mines Revenue	21,13,00,000		21,13,00,000
67	Ministry of New and Renewable Energy Revenue	1,00,000		1,00,000
71	Ministry of Personnel, Public Grievances and Pensions Revenue	39,13,00,000	3,05,00,000	42,18,00,000
	Capital	15,21,00,000		15,21,00,000
74	Ministry of Power Revenue	75,93,00,000		75,93,00,000
	CHARGED.— <i>Union Public Service Commission</i> Revenue		17,10,00,000	17,10,00,000
79	Secretariat of the Vice-President Revenue	41,00,000		41,00,000
80	Department of Rural Development Revenue	154,45,00,000		154,45,00,000
84	Department of Scientific and Industrial Research Revenue	6,77,00,000		6,77,00,000
86	Ministry of Shipping Revenue	2,00,000		2,00,000
	Capital	3,00,000		3,00,000
87	Ministry of Road Transport and Highways Revenue	1,00,000		1,00,000
	Capital	311,00,00,000		311,00,00,000
88	Ministry of Social Justice and Empowerment Revenue	2,00,000		2,00,000
90	Ministry of Statistics and Programme Implementation .. Revenue	3,00,000		3,00,000
91	Ministry of Steel Revenue	728,69,00,000		728,69,00,000
	Capital	1,00,000		1,00,000
92	Ministry of Textiles Revenue	514,45,00,000		514,45,00,000
93	Ministry of Tourism Revenue	2,00,000		2,00,000
100	Department of Urban Development Revenue	414,76,00,000		414,76,00,000
	Capital	2025,10,00,000		2025,10,00,000
101	Public Works Revenue	25,52,00,000		25,52,00,000
103	Ministry of Water Resources Revenue	1,00,000		1,00,000
104	Ministry of Women and Child Development Revenue	1200,00,00,000		1200,00,00,000
105	Ministry of Youth Affairs and Sports Revenue	312,42,00,000		312,42,00,000
	Capital	350,58,00,000		350,58,00,000
	TOTAL	29500,04,00,000	1442,58,00,000	30942,62,00,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114 (1) of the Constitution of India, read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the supplementary expenditure charged on the Consolidated Fund of India and the grants made by the Lok Sabha for expenditure of the Central Government, excluding Railways, for the financial year 2009-10.

PRANAB MUKHERJEE

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE
CONSTITUTION OF INDIA

[Copy of D.O. No. F. 4(3)-B(SD)/2009 dated the 7th December, 2009 from Shri Pranab Mukherjee, Minister of Finance to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the proposed Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2009-10, recommends under article 117(1) and (3) of the Constitution the introduction of the Appropriation (No. 4) Bill, 2009 in Lok Sabha and also the consideration of the Bill.

BILL NO. 130 OF 2009

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Jharkhand for the services of the financial year 2009-10.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Jharkhand Appropriation (No. 3) Act, 2009.

Issue of Rs.
1074,03,88,017
out of the
Consolidated
Fund of the
State of
Jharkhand for
the financial
year 2009-10

2. From and out of the Consolidated Fund of the State of Jharkhand there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of one thousand seventy-four crores, three lakhs, eighty-eight thousand and seventeen rupees towards defraying the several charges which will come in course of payment during the financial year 2009-10, in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Jharkhand by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE
(See sections 2 and 3)

1 No. of vote/ Appropriation	2 Services and purposes	3 Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	Agriculture Department Revenue	18,08,25,000		18,08,25,000
2	Animal Husbandry and Fisheries Department Revenue	1,54,77,000		1,54,77,000
	Capital	1,23,60,000		1,23,60,000
3	Building Construction Department Capital	6,22,00,000		6,22,00,000
6	Election Revenue	12,38,68,000		12,38,68,000
9	Co-operative Department Revenue	5,96,00,000		5,96,00,000
10	Energy Department Capital	193,50,00,000		193,50,00,000
18	Food, Supply and Consumer Forum Department Revenue	22,73,00,000		22,73,00,000
21	Higher Education Department Revenue	40,61,00,000		40,61,00,000
22	Home Department Revenue	17,00,01,000		17,00,01,000
23	Industries Department Revenue	77,53,75,000		77,53,75,000
26	Labour, Employment and Training Department Revenue	19,73,00,000		19,73,00,000
27	Law Department Revenue	8,00,000		8,00,000
28	High Court of Jharkhand Revenue	..	48,00,000	48,00,000
30	Minorities Welfare Department Capital	3,84,00,000		3,84,00,000
33	Personnel and Administrative Reforms Department Revenue	50,00,000		50,00,000
39	Disaster Management Department Revenue	300,00,00,000		300,00,00,000
40	Revenue and Land Reforms Department Revenue	5,41,00,000		5,41,00,000
41	Road Construction Department Revenue	21,36,00,000		21,36,00,000
42	Rural Development Department Revenue	55,98,85,000		55,98,85,000
	Capital	115,45,15,000		115,45,15,000
44	Secondary, Primary and Public Education Department Revenue	13,53,39,017		13,53,39,017
47	Transport Department Revenue	68,70,00,000		68,70,00,000
48	Urban Development and Housing Department Revenue	1,00,00,000		1,00,00,000
51	Welfare Department Revenue	51,60,50,000		51,60,50,000
	Capital	19,54,93,000		19,54,93,000
	TOTAL	1073,55,88,017	48,00,000	1074,03,88,017

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of articles 204(1), 205 and 207(1) of the Constitution of India, read with the Proclamation issued under article 356 of the Constitution in respect of the State of Jharkhand on the 19th January, 2009, to provide for the appropriation out of the Consolidated Fund of the State of Jharkhand of the moneys required to meet the supplementary expenditure charged on the Consolidated Fund of the State of Jharkhand and the grants made by the Lok Sabha for expenditure of the Government of Jharkhand for the financial year 2009-10.

NAMO NARAIN MEENA

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 207 OF THE
CONSTITUTION OF INDIA

[Copy of D.O. No. F. 2(28)-B(S)/2009 dated the 2nd December, 2009 from Shri Namu Narain Meena, Minister of State in the Ministry of Finance to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the proposed Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Jharkhand for the services of the financial year ending on the 31st day of March, 2010, recommends under article 207(1) and (3) of the Constitution the introduction of the Jharkhand Appropriation (No. 3) Bill, 2009 in Lok Sabha and also the consideration of the Bill.

P.D.T. ACHARY,
Secretary-General.